



Security Council

Distr.: General
23 December 2006

Original: English

Letter dated 23 December 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Upon instructions from my Government and with regard to the discussions in the Security Council at its meeting of 23 December, I have the honour to state the points contained in the annex to the present letter.

I should be grateful if you would have the present letter and its annex, including the footnotes to the said annex, circulated as a document of the Security Council.

(Signed) M. Javad **Zarif**



Annex to the letter dated 23 December 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

The adoption of Security Council Resolution 1737 marks a sad day for the non-proliferation regime. Only a few days ago, the Prime Minister of the Israeli regime boasted about his regime's nuclear weapons. But instead of even raising an eyebrow - let alone addressing -- that serious threat to international peace and security and the non-proliferation regime, the Security Council imposed sanctions on a member of the NPT that -- unlike Israel:

- has never attacked or threatened to use force against any member of the United Nations,
- has categorically rejected development, stockpiling and use of nuclear weapons on ideological and strategic grounds,¹
- was prepared to provide guarantees that it would never withdraw from the NPT,²
- has placed all its nuclear facilities under IAEA Safeguards,³
- fully implemented the Additional Protocol for over two years⁴ and stated its readiness to resume its implementation,⁵
- allowed over 2000 person days of IAEA scrutiny of all its related -- and even unrelated -- facilities,⁶ resulting in repeated statements by the Agency on the absence of any evidence of diversion,⁷
- voluntarily suspended its lawful enrichment activities for over two years, verified by the IAEA,⁸ in order to build confidence and provide ample opportunity to find a mutually acceptable solution -- if that ever were the intention of its negotiating partners,
- presented various far-reaching proposals to ensure permanent non-diversion, and
- has consistently called for time-bound and unconditional negotiations to find mutually acceptable solution; a call that was repeated yesterday by Iranian Foreign Minister.

The same Governments, which have pushed the Council to take groundless punitive measures against Iran's peaceful nuclear program,⁹ have systematically prevented it from taking any action to nudge the Israeli regime towards submitting itself to the

¹ Religious Fatwa by the Leader of the Islamic Republic reflected in Kayhan, 6 November 2004. Also see the Iranian Reply of August 22, 2006 to the 5+1 Package, S/2006/806, P. 2 and 12.

² See the Iranian Reply of August 22, 2006 to the 5+1 Package, S/2006/806, P. 14.

³ See, *inter alia*, GOV/2006/64, Para 20.

⁴ IAEA - GOV/2006/15, Para 30: "until 6 February 2006, implemented the Additional Protocol as if it were in force, including by providing, in a timely manner, the requisite declarations and access to locations."

⁵ See the Iranian Reply of August 22, 2006 to the 5+1 Package, S/2006/806, P. 13.

⁶ See, *inter alia*, IAEA - GOV/2006/15, paragraph 30, IAEA - GOV/2004/83, paragraph 6, IAEA - GOV/2005/67, paragraph 56 and IAEA - GOV/OR.1119* Issued: April 2005, paragraph 103..

⁷ See, *inter alia*, IAEA - GOV/2003/75, paragraph 52 and IAEA - GOV/2006/15, paragraph 53

⁸ See, *inter alia*, Statement of the IAEA's Director General at the Board of Governors on March 8, 2004, IAEA - GOV/2004/11, paragraphs 72-73, IAEA - GOV/2004/34, paragraphs 40 and 43, IAEA - GOV/2004/60 paragraphs 55 and 60, IAEA - GOV/2005/67 paragraphs 53 and 55, IAEA - GOV/2005/87 paragraph 17.

rules governing the nuclear non-proliferation regime. By so doing, they have provided it with wide latitude and even encouragement to indulge freely in the clandestine development and unlawful possession of nuclear weapons and even public boasting about it with impunity.

As I pointed out in my letter of 20 December 2006,⁹ it is undisputable that nuclear weapons in the hands of the Israeli regime with an unparalleled record of non-compliance with Security Council resolutions – if that was the criteria for adoption of the resolution against Iran – and a long and dark catalogue of crimes and atrocities such as occupation, aggression, militarism, state-terrorism, crimes against humanity and apartheid¹⁰, poses a uniquely grave threat to regional and international peace and security.

The reversal of the hypocritical policy of “strategic ambiguity” by the Israeli regime has removed any excuse – if there ever were any – for continued inaction by the Council in the face of this actual threat to international peace and security.

The reaction of the Security Council to the Israeli regime's unlawful possession of nuclear weapons will show whether the Council is acting – as it is obliged to under Article 24 of the Charter – on behalf of the members of the international community who have made their views abundantly clear on this issue¹¹, or whether it is merely a “tool in the toolbox”¹² of a few of its permanent members who only misuse it to fix their foreign policy problems and to serve their short-sighted perceived interests.

In such a situation, it is not at all surprising that a nation is punished for exercising its inalienable rights, primarily at the behest of a dangerous regime with aggression and war crimes as its signature brand of behavior, which was apparently rewarded for having clandestinely developed and unlawfully possessed nuclear weapons.

Does anyone expect this to enhance the credibility of the Council or strengthen the authority of the NPT?

Put into perspective, the resolution can only remind the Iranian people of the historic injustices the Security Council has done to them in the past six decades. It is reminiscent of the attempt made in the Council to punish the Iranian people for their nationalization of their oil industry, described as a threat to peace.¹³ It is also a reminder of the Council's indifference in the face of a military coup, organized by two permanent members, which restored the dictatorship. It refreshes the memory of the time when the Council did not consider the massive invasion of Iran by the former Iraqi regime as a threat to international peace and security, and refused to even call on the invading army to withdraw from Iranian territory. It brings back the horrors of the long years when the Council turned a blind eye to the extensive and brutal use of

⁹ S/2006/1008, A/61/650

¹⁰ Former US President Carter in his recent opinion piece in the LA Times dated December 8, 2006 states: “The book describes the abominable oppression and persecution in the occupied Palestinian territories.... In many ways, this is more oppressive than what blacks lived under in South Africa during apartheid.”

¹¹ Final Document of NAM Summit, September 16, 2006/Doc.1/Rev.3

¹² US Department of State: <http://usinfo.state.gov/mena/Archive/2006/Mar/06-846555.html>

¹³ S/2358/Rev.1

chemical weapons against Iranian civilians and soldiers, and by so doing, shouldered responsibility for tens of thousands of Iranians who continue to suffer and perish as a result of chemical weapons whose components came from certain countries permanently represented in the Council. We do not need to go far to find these victims. Only last month, I lost one of my brightest colleagues in the Mission, Mahdi Vahidi, to cancer caused by these very chemical weapons. Mahdi was just 39.

I dealt with the pretexts used for the involvement of the Security Council in Iran's peaceful nuclear program in the annex to document S/2006/603. It is important to make the following additional points:

Bringing Iran's peaceful nuclear program to the Council by few of its permanent members, particularly the United States, is not aimed at, nor will it help seeking a solution or encouraging negotiations. Even their stated objective has always been to use the Council as an instrument of pressure and intimidation to compel Iran to abandon its rights. (Knowing their bright recent history, we can all assume what the unstated objective has been.) It is instructive in this regard to examine two examples:

An informal paper titled, "Options for Addressing Iran's Nuclear Program at the UN Security Council", circulated by the US Mission in October 2004 – exactly when its EU3 allies were ostensibly engaged in negotiations with Iran – states: "the United States has long believed that Iran's nuclear activities must be reported to the UN Security Council... The UNSC has the legal authority to *require Iran to stop [its enrichment program]*."

As to Iran's negotiating partners, the Political Director of the British Foreign Office, in a letter dated 16 March 2006 addressed to his counterparts in France, Germany and the United States, revealed the more conniving British plan: "We may also need to remove one of the Iranian arguments that the suspension called for is 'voluntary'. We could do [that] by making the voluntary suspension a mandatory requirement to the Security Council."

The letter gets even more interesting: "I agreed to circulate a short paper which we might use as a sort of speaking note with the Russians and Chinese. Implicit in the paper is a recognition that *we are not going to bring the Russians and Chinese to accept significant sanctions over the coming months, certainly not without further efforts to bring the Iranians around... In return for the Russians and Chinese agreeing to [a Chapter VII resolution], we would then want to put together a package that could be presented to the Iranians as a new proposal.*"¹⁴

This scheme is what actually motivated the presentation of the so-called package of incentives given to Iran – a couple of months behind British schedule – on June 6th 2006.

It also explains why the United States and EU3 never even took the trouble of studying various Iranian proposals: they were – from the very beginning – bent on abusing the Council and the threat of referral and sanctions as an instrument of

¹⁴ Times Online, March 22, 2006, <http://www.timesonline.co.uk/article/0,2-2098203,00.html>.

pressure to compel Iran to abandon the exercise of its NPT guaranteed right to peaceful nuclear technology.

It is now an open secret that their sole objective from the negotiations has never been to find a solution but to impose and then prolong and perpetuate the suspension of Iran's right in line with their arbitrary and fluctuating red lines.

Suspension is not a solution. It is at best a temporary – a stop-gap – measure to allow time to find a real solution. And such a suspension was in place for two years and contrary to the excuse that the proponents of the resolution have presented here and there, the IAEA repeatedly verified that Iran fully suspended what it had agreed to suspend in each and every report from November 2003 to February 2006.¹⁵ So, there was a suspension for two years and on and off negotiations for three. What has been done during these 3 years to find an agreement?

- Have the EU3 or the United States presented any proposal on what measures – short of outright revision of the NPT – would remove their so-called proliferation concerns?
- Having failed to do so, did they ever consider the far reaching proposals that were offered by Iran on March 23, 2005¹⁶, which the EU3 negotiators initially considered to contain “positive elements”?
- Did they ever propose how those positive elements could be enhanced or how the points of divergence could be bridged? Or did they, after consultations with a certain absent party, simply say “it is not good enough. Continue to suspend.”
- Did they even bother to read our proposal of 18 July 2005, which suggested: “allow the Agency to develop an optimized arrangement on numbers, monitoring mechanism and other specifics for an initial limited operation at Natanz, which would address our needs and allay [their] concerns”?¹⁷
- Did they ponder about the far-reaching non-proliferation potential of the proposal by the President of the Islamic Republic of Iran in his address to the General Assembly on 17 September 2005? Let me refresh your memories: “in order to provide the greatest degree of transparency, the Islamic Republic of Iran is prepared to engage in serious partnership with private and public sectors of other countries in the implementation of uranium enrichment program in Iran..”
- Did they respond to the concrete proposal by the Iranian Foreign Minister at the Conference on Disarmament on 30 March 2006? Allow me to quote what he said: “In our view one possibility to resolve the issue could be establishment of regional consortiums on fuel cycle development with the participation of regional countries ... Of course countries outside the region may also participate in such regional arrangements... The facility would also be jointly owned by the sharing countries and the work could be divided based on the expertise of the participants.”

¹⁵ See, *inter alia*, Statement of the IAEA's Director General at the Board of Governors on March 8, 2004, IAEA - GOV/2004/11, paragraphs 72-73, IAEA - GOV/2004/34, paragraphs 40 and 43, IAEA - GOV/2004/60 paragraphs 55 and 60, IAEA - GOV/2005/67 paragraphs 53 and 55, IAEA - GOV/2005/87 paragraph 17

¹⁶ See http://www.un.int/iran/facts_about_peaceful_nuclear_program.pdf, pages 46-48. Also see pages 39-45 and 49-50 for other far-reaching proposals by Iran from January 2005 to July 2005.

¹⁷ See http://www.un.int/iran/facts_about_peaceful_nuclear_program.pdf, page 53.

- Were these suggestions not exactly a replica of the main proposal of the IAEA experts on Multinational Approaches to Nuclear Fuel Cycle Activities published on 22 February 2005? For those of you who have not seen the report, it suggests "Promoting voluntary conversion of existing facilities to MNAs, and pursuing them as confidence-building measures, with the participation of NPT non-nuclear weapon States and nuclear weapon States, and non-NPT States," and "Creating, through voluntary agreements and contracts, multinational, and in particular regional, MNAs for new facilities based on joint ownership, drawing rights or co-management for front-end and back-end nuclear facilities, such as uranium enrichment."¹⁸
- Did the Iranian readiness to implement these ideas not present a unique opportunity to create a global model to strengthen the NPT and remove concerns about fuel cycle activities based on the recommendation of the best international experts brought together by the IAEA for this exact purpose?
- Was any other country with similar technology prepared to be as flexible as Iran?
- Did the US and its European allies seriously consider our detailed reply of 22 August 2006, which -- unlike their practice -- provided a point by point reply to their June 6th Package and made genuine proposals to address its shortcomings?¹⁹ All I know is that they even refused to refer to it in the present resolution.
- Did they discuss the offer of international consortium which was presented by Iran in the course of the September and October 2006 negotiations in Vienna and Berlin and was initially considered very promising, leading to public statements of progress after the meetings;²⁰ a prognosis that was rapidly and astonishingly reversed even before the ministerial meeting of 5+1?²¹

Many other similar questions may be asked. But the answer to all will be the same. Because what the United States and apparently the EU3 -- in spite of what they told us during negotiations -- wanted, and the only outcome that they were and are ready to accept from these so-called negotiations, was -- and still is -- that Iran should "make a binding commitment not to pursue fuel cycle activities."²²

Iran has been brought before the Security Council, because we did not accept that unlawful demand -- which as many already know, would not have been their last. At the same time, we were prepared to go to any length to allay their so-called proliferation concerns, in spite of the fact that we all know they are no more than unfounded and self-serving sheer excuses.

Indeed, old-hand proliferators and suppliers of chemical weapons²³ and nuclear-weapon technology²⁴ can hardly have proliferation concerns.

¹⁸ "Multilateral Approaches to the Nuclear Fuel Cycle: Expert Group Report submitted to the Director General of the International Atomic Energy Agency," IAEA -- INFCIRC/640, 22 February 2005, p. 103, approaches 3, 4 and 5.

¹⁹ A/61/514 - S/2006/806.

²⁰ See http://www.usatoday.com/news/world/2006-09-15-iran-eu_x.htm?csp=34.

²¹ New York Times, October 4, 2006.

²² The package presented by EU3 to Iran in August 2005. IAEA - INFCIRC 651, paragraph 34.

²³ A US Senate inquiry in 1995 accidentally revealed that during the Iran-Iraq war the US had sent Iraq samples of all the strains of germs used by the latter to make biological weapons. The strains were sent

The sponsors claim that they do not trust our "intentions." But the problem is that their "intention-o-meter" has a rather abysmal record of chronic malfunction. Suffice it to say that the former US Director of Central Intelligence, Robert Gates, in a testimony before Congress in March 1992 claimed that Iran was trying to acquire a nuclear weapons capability, and added that this goal was unlikely to be achieved before the year 2000.²⁵ Later, in November of the same year, a draft National Intelligence Estimate by the same CIA, concluded that Iran was making progress on a nuclear arms program and could develop a nuclear weapon by 2000.²⁶ Now the same intelligence establishment is saying not before 2015.²⁷

Accusing Iran of having "the intention" of acquiring nuclear weapons has, since the early 1980s, been a tool used to deprive Iran of any nuclear technology, even a light water reactor or fuel for the American-built research reactor.

One wonders which "Iranian intention" or which "proliferation concern" has prompted the main proponents of the resolution to prevent Iran, throughout the past 27 years, from buying civilian aircrafts or even their spare parts, thereby jeopardizing the lives and safety of Iranian civilians whom they hypostatically try to court these days. And I might add, to no avail.

As the IAEA Director-General recently said "a lot of what you see about Iran right now is assessment of intentions...But one of the lessons we learned from Iraq is that we really need to be very, very careful coming to conclusions because these issues make the difference between war and peace."²⁸

Talking about "intentions", while the main proponents of the resolution may have self-servingly claimed that they doubt ours, they themselves have said and done plenty so that no body in Iran or elsewhere in the world could have any illusions about theirs. The recent dangerously divisive statement by the UK Prime Minister²⁹ is the most recent vivid illustration of those intentions.

by the Centers for Disease Control and Prevention [sic] and the American Type Culture Collection to the same sites in Iraq that UN weapons inspectors later determined were part of Iraq's biological weapons program (Times of India, 2/10/02). See also "How the US Armed Saddam Hussein with Chemical Weapons," at <http://www.greenleft.org.au/2002/506/27605>. For collaboration of other sponsors of the current resolution with Iraq in its chemical weapons program, see for instance: <http://www.fas.org/nuke/guide/iraq/cw/az120103.html>, and http://www.atimes.com/atimes/Middle_East/EB05Ak02.html.

²⁴ See for instance: Michael Karpin, *The Bomb in the Basement*, (Simon and Schuster, 2006); and Zdenek Cervenka and Barbara Rogers, *The Nuclear Axis*, (Time Books, 1978). See also "Israel's Nuclear Weapons" at <http://www.fas.org/nuke/guide/israel/nuke/farr.htm>.

²⁵ Jeffrey Smith, Gates Warns of Iranian Arms Drive; The Washington Post, March 28, 1992.

²⁶ Elaine Sciolino, C.I.A. Says Iran Makes Progress On Atom Arms, The New York Times, November 30, 1992.

²⁷ US National Intelligence Estimate, 2005, See Washington Post August 2, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2005/08/01/AR2005080101453_pf.html.

²⁸ Christopher Dickey, The Power of the Purse, Newsweek, Oct 20, 2006.

²⁹ Reuters, December 20, 2006, http://news.yahoo.com/s/nm/20061220/ts_nm/britain_blair_dc_6

The August 23rd report by the Intelligence Committee of the US House of Representatives on Iran's nuclear program³⁰ is another telling example. That report was so dangerously misleading and illustrating the extent to which some war-mongers are prepared to go, that it compelled the IAEA to officially dispute its allegations against Iran. In its letter, the IAEA called parts of the report "outrageous and dishonest," containing "incorrect and misleading assertions" and offered evidence to refute its central claims. The Agency stressed that the report even contained serious distortions of IAEA findings on Iran's nuclear activities.³¹

The Islamic Republic of Iran firmly believes that the days of weapons of mass murder have long passed; that these inhumane instruments of indiscriminate slaughter have not brought internal stability or external security for anyone and they will not be able to do so in the future.

Unlike some who despise the NPT and international law in general, we have a high stake in preserving, fully implementing, strengthening and universalizing the NPT. The resolution adopted on 23 December 2006 does exactly the opposite. And it should be no surprise, because it was championed by a non-member of the NPT coupled with its main benefactor which made no secret of its contempt for this and other disarmament instruments. No one has forgotten last year's Summit, when even the word "disarmament" was struck by the famous "red pen."

By the same token, we believe that the days of bullying, pressure and intimidation by some nuclear-weapon holders are gone. We are told we need to build confidence. Indeed. We all do in this tumultuous world. But confidence could only be built through respect for and non-discriminatory application of law. That is the only objective criteria; anything else would be to accept the whim of the powerful. And, international law and international treaties cannot be the subject of arbitrary, fluctuating and self-serving re-interpretations, adjustments or red lines even if they are connivingly imposed through resolutions. Such a precedent is dangerous for every one.

The Security Council would go a long way in addressing its own confidence-deficit, by truly acting on behalf of UN membership, as mandated by Article 24 of the Charter. An overwhelming majority of them are members of the Non-Aligned Movement and the Organization of Islamic Conference who have "reaffirmed that States' choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected,"³² and "expressed concern over ... threats and pressures on Iran by certain circles to renounce its inalienable right to develop nuclear energy for peaceful purposes."³³ They have also clarified where the real threat to international peace and security does in fact exist by "expressing grave concern over the acquisition of nuclear capability by Israel, which poses a serious and

³⁰ Staff Report of the US House Permanent Select Committee on Intelligence Subcommittee on Intelligence Policy, August 23, 2006. The report had been prepared by a former special assistant to Ambassador Bolton. See Dafna Linzer's article in the Washington Post, August 24, 2006.

³¹ Letter by the IAEA dated 12 September 2006, addressed to Chairman of the Permanent Select Intelligence Committee of the US House. See Guardian, September 15, 2006, <http://www.guardian.co.uk/iran/story/0,1873114,00.html>.

³² NAM/2006/Doc.12/Rev. 1, September 16, 2006.

³³ OIC Resolution 18/33-P.

continuing threat to the security of neighboring and other States."³⁴ That is the real issue that members of the United Nations wanted the Security Council to be seized with.

³⁴ Final Document of NAM Summit, September 16, 2006/Doc.1/Rev.3